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OO RUEHBZ RUEH DU RUEHJO RUEHRN
DE RUEHMR #0379/01 1801252
ZNR UUUUU ZZH
O 291252Z JUN 07
FM AMEMBASSY MASERU
TO RUEHC/SECSTATE WASHDC IMMEDIATE 3107
INFO RUCNSAD/SOUTHERN AFRICAN DEVELOPMENT COMMUNITY
RUEHMR/AMEMBASSY MASERU 3481

UNCLAS SECTION 01 OF 02 MASERU 000379

SIPDIS

SENSITIVE
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DEPARTMENT FOR AF/S

E.O. 12958: N/A

TAGS: [PREL](#) [PGOV](#) [KDEM](#) [ASEC](#) [PHUM](#) [LT](#)

SUBJECT: LESOTHO: SADC MEDIATION SUCCESS AMID ABUSE ALLEGATIONS

REF: A) MASERU 371; B) MASERU 365 AND PREVIOUS

MASERU 00000379 001.2 OF 002

11. (SBU) SUMMARY: After a turbulent week of negotiations (June 25-29), ongoing SADC mediation efforts between Lesotho's governing and opposition parties appear to have made progress as stakeholders have identified outside experts to evaluate Lesotho's implementation of the Mixed Member Proportional (MMP) system and set their terms of reference. Former President of Botswana Masire, head of the SADC team, postulated to the diplomatic corps that the "experts" could help resolve disputes over the MMP model, a prerequisite for the mediation process to address broader political tensions. Simultaneously, troubling accusations continue to emerge regarding unidentified forces which allegedly took into secret custody and mistreated former and current military personnel. END SUMMARY.

Diplomats Meet SADC's Masire

12. (SBU) On the morning of June 28, resident chiefs of mission held a breakfast meeting with former President of Botswana, Ketumile Masire, the Southern African Development Community (SADC)'s designated mediator for talks between the GOL and opposition parties. The former President returned to Lesotho on June 25 and kicked off the formal dialogue on June 26. Masire and his team, comprised of officials from Botswana, Tanzania, and SADC, told the diplomatic corps that they had come to address two "packages" of issues related to Lesotho's unresolved political impasse: 1) general political tensions; and 2) the application of the Mixed Member Proportional (MMP) model following the country's February 2007 general election.

13. (SBU) Masire stated that stakeholders in the mediation process, including political parties, the Independent Electoral Commission (IEC), and civil society, were unable to address general tensions, and instead had focused on MMP issues. Admitting that the SADC team had been "caught napping" on several important issues, he stated that he temporarily suspended the negotiations on June 27 to work separately with the opposing factions on breaking a deadlock over how to deal with an ongoing MMP-related court case. He noted that the involvement of outside experts on the MMP system would be key, and that the expert advice could be used as a benchmark to decide whether to review the allocation of parliamentary seats.

14. (SBU) Masire described the Basotho negotiators as courteous and polite, but also somewhat intractable regarding their positions. Masire appeared generally optimistic, but recognized the deteriorating security situation as a concern. Regarding a

time frame, Masire noted that if the talks proceeded successfully, it should be possible to have the outside experts conclude their assessment and recommendations by the end of July. Charge encouraged Masire to persist in his efforts, as the dialogue mechanism represented the only realistic hope for a resolution of the impasse. Masire responded simply, "Where there is a will, there is a way."

¶5. (SBU) Masire also said during the meeting with diplomats that it should be possible to address several "give and take" issues that are at the heart of the impasse. He noted that: 1) it appears unreasonable for the GOL to place parliamentarians who lost their elected seats into cabinet positions; 2) it is "clear" that there is either a misunderstanding or intentional manipulation by all parties, opposition and government, of the MMP system; and 3) it is not reasonable for the GOL to refuse to recognize the All Basotho Convention (ABC), which gained the most seats after the governing LCD, as the official opposition.

Then, a Breakthrough?

¶6. (U) When negotiations resumed on June 28, stakeholders reportedly agreed to engage experts to determine whether the allocation of proportional parliamentary seats was conducted in compliance with the MMP system. The stakeholders agreed on the following experts: 1) Dr. Michael Krenerich (Germany); 2) Professor J. Elklit (Denmark); 3) Dr. Khabele Matloa (Lesotho, Electoral Institute of Southern Africa); 4) Mr. Michael Polley (New Zealand, Member of Parliament); and 5) an administrative lawyer (yet to be selected).

¶7. (U) The stakeholders also reportedly agreed on terms of reference for these experts. The terms stipulate that the experts will establish the nature, objective, provisions, and spirit of Lesotho's MMP system in order to explore whether any

MASERU 00000379 002.2 OF 002

political parties or the Independent Electoral Commission (IEC) undermined it in the 2007 elections. The terms of reference also give the experts a mandate to examine: 1) the legality of the candidate lists which were used for the distribution of proportional representation seats; and 2) whether the allocation of proportional seats complied with the MMP model following the 2007 elections. The experts would then make such recommendations as they may deem necessary, including on remedial measures, if any, concerning allocation of proportional seats in Parliament following the 2007 elections.

Ugly Abuse Allegations

¶8. (U) As a backdrop to the mediation effort, various local media outlets reported over the last week of alleged abductions of current and former LDF soldiers as well as bodyguards of Thomas Thabane, leader of the ABC. Private radio station Harvest FM reported on June 25 that two of Thabane's bodyguards were abducted by unknown gunmen. Later, the station reported the names of five other known ABC supporters which it claims are missing: Thabo Thants'i, Makotoko Lerotholi, Semoli Semoli, Mokherane Tsatsanyane, Elias Motlomelo and Khotso Lebakeng. Minister of Communications Mothojoa Metsing and LDF Commander General Thuso Motanyane denied any knowledge concerning these individuals when questioned by opposition parties on June 25.

¶9. (U) The family of Thabo Thants'i, a former soldier and bodyguard to the ABC leader, stated that he was abducted by unknown gunmen from his home on June 22. Later reports placed him at Makoanyane Military Hospital (MMH) outside of Maseru. On June 29, Thants'i called Harvest FM from South Africa claiming

that he had escaped from MMH after several days of torture by members of the Military Intelligence and Military Police sections of the LDF. He added that other former and current soldiers remain captive at MMH with injuries. He claimed to have recognized several of the soldiers involved with his interrogation and named them on air (LTC Kamoli, LT Mochesane, SGT Mokone, CPL Mahlala).

¶10. (U) Meanwhile, the Lesotho Chapter of the Media Institute of Southern Africa (MISA) organized a protest march for June 29 in connection with the detention and subsequent sedition charges leveled against their regional chairperson, journalist Thabo Thakalekoala (ref A). MISA invited all media houses and the general public to join the protest. The march's aim is to present a petition to the Prime Minister's office urging the GOL to drop charges against Thabo Thakalekoala.

Encouraging Progress Amidst

Discouraging Abuse Claims

¶11. (SBU) COMMENT: The apparent agreement among stakeholders in the Masire dialogue regarding a visit of electoral experts is a positive development. The terms of reference, including the right of the experts to suggest remedial measures if they conclude that the parliamentary seat allocation was incorrect, are more muscular than most observers had predicted. While recent progress in the Masire talks improves prospects for the dialogue to resolve the impasse, reports of "abductions" cast a shadow on the general political atmosphere. The true relationships among the polite political figures sitting around Maseru's negotiating tables by day and the shadowy figures engaged in conflict by night remains an open question. END COMMENT.
MURPHY